

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 23, 2002 (the "Office Action") and the Advisory Action mailed July 16, 2002 (the "Advisory Action"). At the time of the Advisory Action, Claims 1-16 were pending in the application. The Advisory Action states that Claims 1-5, 8, 11 and 13-15 remain rejected, Claims 6, 7 and 12 remain objected to and Claim 16 is allowed. *See* Advisory Action, section 7. Applicants note that Claims 9 and 10 are not mentioned in the Advisory Action but were rejected in the Office Action. Applicants respectfully request reconsideration and favorable action in this case.

Information Disclosure Statement

An Information Disclosure Statement (the "IDS") was filed on August 7, 2002. Applicants have enclosed a copy of the IDS to ensure that the IDS is considered by the Examiner.

Telephone Conference

Applicants respectfully request a telephone conference with the Examiner to discuss the rejection of the claims in order to further the prosecution of this Application. Applicants invite the Examiner to call the undersigned attorney listed below at the Examiner's convenience.

Rejections Under 35 U.S.C. 102

In the Office Action, the Examiner rejects Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,857,194 issued to Kelliher et al. ("*Kelliher*"). Applicants respectfully traverse these rejections for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

Independent Claim 1 is patentable over the cited art, because *Kelliher* does not disclose, teach or suggest each element of the claim. For example, Claim 1 includes the step of "identifying incidents of applications of the legacy computer system that output data." In the Advisory Action, the Examiner states that the prior art "as understood by the Examiner" shows "Identifying incidents of applications that [output] data." *See* Advisory Action, Continuation Sheet. However, Applicants respectfully submit that the Examiner is misinterpreting the prior art. For example, the Examiner states that

Kelliher shows a control flow analyzer which identifies legacy [fields] (incidents of the application, 5:57-60). Kelliher also shows using this key information by the Control flow analyzer to ... produce control flow information used in the output (6:1-15). And as mentioned in previous rejection Kelliher also has an Output Generator, which works together with the key fields to produce output.

See id. The references to *Kelliher* cited above do not disclose, teach or suggest identifying incidents of a legacy computer system that output data. As the Examiner states, *Kelliher* teaches identifying legacy fields. *See Kelliher*, Col. 5, line 59. However, such legacy fields are not incidents that output data. The legacy fields identified in *Kelliher* are fields "that can be used as keys into the legacy application files." *See Kelliher*, Col. 5, lines 59-60. The "[k]ey fields are fields which are required to get other data, and must be retrieved first." *See Kelliher*, Col. 5, lines 60-62. The key field designations are used by a control flow analyzer 31 to produce control flow information that indicates a sequence of data extraction so that an output generator 33 can extract data in the required order. *See Kelliher*, Col. 6, lines 6-24. Thus, the key legacy fields of *Kelliher* are used to determine an extraction order for data, but they do not output data. Therefore, *Kelliher* does not disclose identifying incidents of applications of a legacy computer system that output data.

Claim 1 also includes the step of "defining a control flow graph of the output incidents." In the Advisory Action, the Examiner suggests that *Kelliher* discloses this step. The Examiner states that *Kelliher* "shows a Control Flow analyzer that produces Control flow information, describing derived control information (output incidents) as an output." *See* Advisory Action, Continuation Sheet. However, Applicants respectfully submit that the

Examiner is misinterpreting *Kelliher*. For example, the control flow information from control flow analyzer 31 of *Kelliher* indicates "the sequence of extracting data" which is used by output generator 33 to extract data according to the sequence. *See Kelliher*, Col. 6, lines 22-24. Thus, the control flow information of *Kelliher* merely indicates an order in which data should be extracted; *Kelliher* does not disclose, teach or suggest defining a control flow graph of the output incidents of applications of the legacy computer system.

Therefore, for the reasons stated above, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claims 2-4 each depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 2-4 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 1 and request that the rejections to Claims 2-4 be withdrawn.

Rejections under 35 U.S.C. §103

In the Office Action, Claims 5, 8-11 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kelliher* in view of U.S. Patent No. 6,125,391 issued to Meltzer et al. ("*Meltzer*"). Applicants traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). The prior art as cited by Examiner does not disclose, teach or suggest each element of Claims 5, 8 or 9. Claims 5, 8 and 9 each depend from Claim 1. Examiner suggests that *Kelliher* discloses all elements of Claims 5, 8 and 9 that are included in Claim 1. *See Office Action*, page 4. However, as discussed above with regard to Claim 1, *Kelliher* does not disclose, teach or suggest "identifying incidents of applications of the legacy computer system that output data" or "defining a control flow graph of the output incidents."

Furthermore, Claim 5 includes "plural nodes having associated arcs, each node associated with an output incident." In the Office Action, the Examiner states that *Meltzer*

discloses "plural nodes having arcs in a legacy system." *See* Office Action, page 4, second ¶. The Examiner cites column 2, lines 55-56 of *Meltzer* which discloses a "node in the commerce network [establishing] an interface for transactions...." However, the Examiner has not cited any support in *Meltzer* for plural nodes having associated arcs, each node associated with an output incident. Nor does *Meltzer* disclose, teach or suggest these elements.

Claim 8 includes "associating the incidents with an Extensible Markup Language schema; and creating a specification to modify the legacy computer system applications to provide output in Extensible Markup Language format." In the Office Action, the Examiner states that *Meltzer* discloses these elements. *See* Office Action, page 4, third ¶. However, the Examiner has not cited any support in *Meltzer* for these elements. Nor does *Meltzer* disclose, teach or suggest these elements.

Therefore, for at least the reasons stated above, Applicants respectfully request that the rejections of Claims 5, 8 and 9 be withdrawn.

The prior art as cited by the Examiner does not disclose, teach or suggest each element of Claim 10. Claim 10 includes "a modeling engine interfaced with the legacy computer system, the modeling engine operable to analyze an application loaded on the legacy computer system to identify incidents within the application that output data from the legacy computer system" and "a control flow graph of the output operations within the applications." In the Office Action, the Examiner states the *Kelliher* discloses all the limitations of Claim 10 as applied in Claim 1 except that *Kelliher* does not explicitly disclose a modeling engine. *See* Office Action, page 5, first ¶. However, as stated above with respect to Claim 1, *Kelliher* does not disclose, teach or suggest a modeling engine operable to identify incidents within an application loaded on a legacy computer system that output data, nor does *Kelliher* disclose teach or suggest a control flow graph of the output operations within the applications.

Furthermore, the Examiner suggests that *Meltzer* discloses a "similar apparatus" to the modeling engine of Claim 10. The Examiner cites an "Element generator and attribute Generator" of Figure 5 of *Meltzer* as support. See Office Action, page 5, first ¶. Applicants respectfully disagree with the Examiner's assertion. *Meltzer* discloses "[a]n element event generator 504 [that] is a specialized ESIS listener which is also an XML event generator." See *Meltzer*, col. 27, lines 12-13. *Meltzer* discloses an "attribute event generator 505 [that] supplies the attribute event objects to attribute listeners 505A." See *Meltzer*, col. 27, 58-60. These elements are not modeling engines. Thus, the Examiner has failed to cite any teaching in *Meltzer* or other art of a modeling engine.

The Examiner states:

With regards to applicants['] argument that prior art doesn't teach a modeling engine interfaced with the legacy system and operable to analyze an application loaded on the legacy system. Kelliher does and teach transmitting data from a legacy system to another system[.] Although Kelliher doesn't show a modeling engine, *Meltzer* discloses an event, an element and an attribute generator, in fig 5, and 6 which interfaces between architectures and also translates to the new architecture and writes to outputs [fig 6].

See Office Action, page 6, third full ¶. The Examiner has failed to establish how "an event, an element and an attribute generator ... which interfaces between architectures and also translates to the new architecture and writes to outputs" provides support for the assertion that *Meltzer*, in combination with *Kelliher*, discloses a modeling engine interfaced with the legacy computer system, the modeling engine operable to analyze an application loaded on the legacy computer system to identify incidents within the application that output data from the legacy computer system.

Therefore, for at least the reasons stated above, Applicants respectfully request that the rejections to Claim 10 be withdrawn.

Claims 11 and 13-15 each depend from independent Claim 10. Therefore, Applicants respectfully submit that Claims 11 and 13-15 are patentable over the cited art, for example, for the same reasons discussed above with regard to Claim 10 and request that the rejections to Claims 11 and 13-15 be withdrawn.

Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claim 16 in the Advisory Action.

Applicants also appreciate the Examiner's indication, in the Office Action, that Claims 6, 7 and 12 would be allowable if rewritten in independent form, including all the elements of the base claim and any intervening claims. Applicants respectfully submit that Claims 6, 7 and 12 are allowable as depending from allowable Claims 1 and 10.

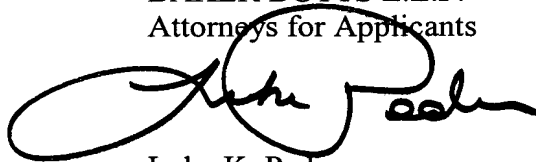
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of Claims 1-15.

The Commissioner is hereby authorized to charge \$740.00 to cover the RCE basic filing fee and \$110.00 to cover the One (1) Month Extension of Time fee to Deposit Account No. 05-0765 of Electronic Data Systems Corporation. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Luke K. Pedersen', is written over the printed name and registration number.

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